

EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
OFFICE OF THE IMMIGRATION JUDGE
PHOENIX, ARIZONA

LOCAL OPERATING PROCEDURES

Procedure 1. Pre-hearing Motions Practice in General

In addition to complying with 8 C.F.R. Section 3.23, all pre-hearing motions shall be accompanied by a proposed order, in triplicate, for signature by the Immigration Judge. All pre-hearing motions shall be decided on the basis of the written record, unless the Immigration Judge determines that, due to extraordinary circumstances, oral argument is necessary to make a decision on the motion.

Procedure 2. Continuances

- A. Parties seeking a continuance of any scheduled hearing before an Immigration Judge shall file a written motion for continuance no less than ten (10) calendar days prior to the scheduled hearing. The motion shall set for the the reason(s) that the continuance is requested.
- B. Motions for continuance within the ten (10) day period prior to the hearing shall be considered only in the discretion of the Immigration Judge in extraordinary circumstances.
- C. No Ex Parte requests for continuances will be accepted. Unless notified by the Immigration Judge that the motion for continuance has been granted, all parties must attend the hearing and be prepared to proceed.

Procedure 3. Trial Preparation

- A. At the Master Calendar hearing, the parties shall be prepared as follows:
 - 1. Respondent/applicant shall be prepared to respond, in oral or written form, to the allegations contained in the charging document.

2. Respondent/applicant shall be prepared to indicate all applications for relief sought from deportation or exclusion.
 3. Respondent/applicant shall be prepared to state (in hours) the estimated time needed to present the case at the Individual Calendar hearing.
 4. The Immigration and Naturalization Service (INS) shall be prepared to state its position on all issues and applications for relief from exclusion/deportation. The INS should exercise its authority under 8 C.F.R. Section 242.16(d) so that any additional or amended charges are served upon the respondent or applicant and the Court no less than fourteen (14) calendar days prior to the next scheduled hearing except in extraordinary circumstances. The fact of detention may be an extraordinary circumstance.
 5. The INS shall be prepared to state (in hours) the time needed to present the case at the Individual Calendar hearing.
- B. At the Individual Calendar hearing, both parties shall be prepared to present all remaining testimony and evidence on all issues including rebuttal.

Procedure 4. Filing Procedure

- A. In addition to complying with 8 C.F.R. Sections 3.31 and 3.32, all documents and applications submitted for consideration by an Immigration Judge shall be two-hole punched at the top of the page with holes 2 3/4" apart. All exhibits and documents in support of a motion or claim shall be paginated and shall have as a table of contents with page number identification. The use of exhibit tabs with letter designation is recommended when necessary.
- B. In addition to complying with 8 C.F.R. Sections 3.31 and 3.32, all proposed exhibits and briefs shall be filed with the Office of the Immigration Judge no later than ten (10) calendar days and response briefs no later than five (5) calendar days prior to the scheduled Individual Calendar hearing, unless otherwise authorized by the Immigration Judge.

Procedure 5. Ex Parte Communication

Ex Parte communication with the Immigration Judge regarding any case is prohibited.

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